

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 WILLIE SMITH,

5 Plaintiff,

6 v.

7 AARON FORD, *et al.*,

8 Defendant.

Case No. 3:20-CV-0501-JAD-CLB

**ORDER DENYING MOTION FOR
ENTRY OF CLERK'S DEFAULT**

[ECF No. 48]

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10 Before the court is Plaintiff Willie Smith's ("Smith") motion for entry of Clerk's
11 default against Defendant Shakayla St. Mary. (ECF No. 48).

12 On December 1, 2021, the Court stayed this matter until the Ninth Circuit issued
13 its final ruling related to the most recent appeal.¹ (ECF No. 42). The Ninth Circuit
14 dismissed the appeal for lack of jurisdiction because the order was not final or
15 appealable. (ECF No. 43.) The Ninth Circuit issued its mandate, (ECF No. 44), and the
16 District Court entered an order on mandate on March 9, 2022. (ECF No. 50.) Therefore,
17 this case was stayed until March 9, 2022 and default is not appropriate. Smith's motion
18 for entry of Clerk's default is **DENIED**. (ECF No. 48.)

19 The stay in this case is now lifted. Defendants answer or other response is due
20 on or before **April 15, 2022**. Any response to Smith's objection to magistrate's order,
21 (ECF No. 37), is due on or before **March 28, 2022**.

22 **DATED:** March 14, 2022

23 
UNITED STATES MAGISTRATE JUDGE

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27 ¹ Smith has filed three notices of appeal in this case. (ECF Nos. 5, 11, 35.)
28 Due to clerical error, the Court's order ECF No. 42 references the wrong case number for
the most recent appeal - Case No. 21-164042. The correct case number of the most
recent appeal is Case No. 21-16907.